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April 6, 2021

VIA EMAIL

Hon. Douglas E. Arpert, U.S.M.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**Re: *Amgen Inc. v. Sandoz Inc.*,
Civ. Action No. 18-11026-MAS-DEA (con.) (D.N.J.)**

Dear Judge Arpert:

This firm, together with Covington & Burling LLP and Sidley Austin LLP, represents Plaintiff Amgen Inc. ("Amgen") in the above-captioned consolidated Hatch-Waxman litigation. We write in regard to Defendants Torrent Pharmaceuticals, Ltd. ("Torrent") and Alkem Laboratories, Ltd.'s ("Alkem", and together with Torrent, "Defendants") letter requesting a formal briefing schedule and hearing date for Defendants' motion to strike certain opinions offered by Amgen's expert Dr. Andrew Alexis. (*See* ECF No. 48.) The opinions in question were offered in Dr. Alexis's infringement reports served on Defendants in November 2020. Even though they did not serve rebuttal expert reports on infringement, in early March 2021 Defendants sought Dr. Alexis's deposition on his infringement opinions, which they took on March 16, 2021.

A week after the deposition, on March 23, 2021, Defendants raised their intention to strike certain opinions in Dr. Alexis's report for the first time and requested an immediate meet and confer. While unclear which specific opinions were at issue, Amgen obliged and the parties conducted a meet and confer on March 25, 2021. Now, nearly two weeks later, and almost five months after the service of Dr. Alexis's reports, Defendants request a formal briefing schedule to present this issue to Your Honor. Given Defendants undue delay in raising this issue and the prejudice it would cause Amgen in having to address this issue just two months prior to trial, Amgen respectfully requests that the Court decline to entertain Defendants' request to brief this issue. Should the Court wish to discuss these matters further, we are available for a telephone conference at the Court's convenience.

Respectfully submitted,

s/ Charles H. Chevalier
Charles H. Chevalier

cc: All counsel of record (via ECF and email)